

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 15, 1948. Wm. G. Scarlett & Co., Baltimore, Md., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by fumigation, sifting, screening, and segregation of the unfit portion. Of the 7,900 pounds seized, 400 pounds were denatured as unfit.

**14288. Adulteration of hulled sesame seed. U. S. v. 4 Bags \* \* \*. (F. D. C. No. 26155. Sample No. 13296-K.)**

**LIBEL FILED:** December 22, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 18, 1948, New York, N. Y.

**PRODUCT:** 4 100-pound bags of hulled sesame seed at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 24, 1949. Default decree of condemnation and destruction.

**14289. Adulteration of sour relish. U. S. v. 10 Barrels \* \* \*. (F. D. C. No. 26222. Sample No. 53083-K.)**

**LIBEL FILED:** December 16, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about June 15, 1948, from New Orleans, La.

**PRODUCT:** 10 barrels, each containing 45 gallons, of sour relish at Birmingham, Ala.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 24, 1949. Default decree of condemnation and destruction.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\***

**14290. Misbranding of certain Adolphus vitamin and mineral products and alleged misbranding of Adolphus Concentrated Broth. U. S. v. Adolphus Hohensee. Plea of not guilty. Tried to the jury. Verdict of not guilty as to the Adolphus Concentrated Broth; verdict of guilty as to the remaining products. Fine, \$1,800. (F. D. C. No. 20125. Sample Nos. 31968-H, 31973-H to 31976-H, incl., 31978-H to 31983-H, incl.)**

**INFORMATION FILED:** September 25, 1946, District of Arizona, against Adolphus Hohensee of Scranton, Pa., and Phoenix, Ariz.

**ALLEGED SHIPMENT:** On or about April 2, 1945, from the State of Arizona into the State of California.

\*See also No. 14163.

**LABEL, IN PART:** "Adolphus Concentrated Broth In Dry Mechanically Pulverized Form."

**NATURE OF CHARGE:** Misbranding, Section 403 (j) (count 1) the Adolphus Concentrated Broth purported to be and was represented for special dietary uses by reason of its vitamin and mineral properties; and its label failed to bear as required by the regulations, a statement of the specific vitamin and mineral properties upon which such special dietary uses were based, a statement of the proportion of the minimum daily requirements for those vitamins and minerals present in the article for which minimum daily requirements had been established, and a statement of the quantity of those vitamins and minerals for which minimum daily requirements had not been established, which were present in a specified quantity of the article.

Further misbranding, Section 403 (a), certain statements in the labeling of the products known as Malt-O-Soy, Improved "B" Complex Tablets, High Potency Vitamin C Tablets, Dicalcium Phosphate and Vitamin D Tablets, Food Supplement Mineral Capsules, Vitamin C Tablets, Pure Soy Bean Lecithin and Vitamin D Capsules, and Pure Virgin Cold Pressed Wheat Germ Oil, were false and misleading.

The misbranding charged under Section 403 (a) was identical with the charges under Section 502 (a), against the same products, as reported in notices of judgment on drugs and devices, No. 2579, in which are quoted portions of the labeling.

**DISPOSITION:** A plea of not guilty having been entered, the case came on for trial before a jury on February 17, 1948. The trial ended on February 20, 1948, with the return by the jury of a verdict of not guilty on count 1 of the information, which related to the Adolphus Concentrated Broth, and a verdict of guilty on the other counts of the information. The court imposed a fine of \$1,800 on March 8, 1948. On the same day, the court denied the defendant's motion for a new trial and arrest of judgment.

**14291. Action to enjoin and restrain the interstate shipment of Paracelsus. U. S. v. American Biochemical Corp. Injunction granted. (Inj. No. 203.)**

**COMPLAINT FILED:** On or about November 18, 1948, Northern District of Ohio, against the American Biochemical Corp., Cleveland, Ohio. The complaint charged that the defendant had been and was continuing to ship in interstate commerce a product known as Paracelsus, which consisted essentially of a mixture of chemical salts and which was adulterated and misbranded in various respects.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, iron and calcium, had been in part omitted from the article.

Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading. The nature of these false and misleading statements are set forth in notices of judgment on drugs and devices, No. 2553.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in the notice of judgment referred to above.

**PRAYER OF COMPLAINT:** That the defendant be restrained and enjoined during the pendency of the action, and permanently, from shipping in interstate commerce an article known as Paracelsus, or under any other name, which was adulterated and misbranded as alleged in the complaint.